



- maintains control of his complaint and may choose to stop the process at any time or change the dispute resolution mechanism.
- g) Even in a situation where no formal or informal complaint has been submitted, the University reserves the right to file a complaint and investigate all possible cases of workplace harassment or discrimination.

## 2.2 Students

- a) A student who believes to be a victim of harassment or discrimination may contact Pastoral Services for information or to try to identify and define the scope and nature of the situation or explore possible solutions, including referral to other resources if necessary.
- b) Articles 2.1 b) to 2.1 g) of this directive apply to University students, with necessary modifications.

## 2.3 Informal awareness-raising process

- a) The informal awareness-raising process aims to resolve the situation in an informal manner, without opening a file.
- b) The informal process is initiated through a verbal mandate filed by the member of the University community.
- c) In the informal process, the immediate supervisor, Human Resources Services or the Pastoral Services, at the request of the member of the University community, intercede with the person against whom the complaint has been made to inform him of the situation, to foster, if applicable, an awareness of the consequences of a given conduct, to reconcile positions, to eliminate misunderstandings and, if applicable, to encourage the person to cease or change the behaviour for which he is accused.
- d) An informal resolution may be the subject of a written agreement. No other documentation arises from the informal process. However, in such a process, the University expects the parties to:
- listen to one another;
  - avoid disrespecting one another;
  - reach a mutual understanding;
  - re-establish a normal relationship.
- e) If the member of the University community is not satisfied with the outcome of the informal process, he can request the mediation process or file a formal complaint.

## 2.4 Mediation process

- a) The mediation process is initiated by the filing of a signed written mandate by the complainant with Human Resources Services. The request must include the following information: the name of the person against whom the complaint is made, a description of the alleged conduct, the date, time and names of witnesses.
- b) Within five (5) business days of the filing of the written mandate, Human Resources Services meet with the person against whom the complaint has been made and inform him of the following:
- the identity of the complainant and nature of the complaint;
  - the implications and consequences of the alleged conduct;
  - a copy of the complaint and a copy of this directive;
  - the request for resolution through the mediation process.

- c) In this case, Human Resources Services appoint a mediator who must be approved by both parties. The mediator contacts the parties involved to obtain their participation in seeking an agreement. The person against whom the complaint has been filed has five (5) business days to accept the proposed mediation process.
- d) At no time during the course of the proceedings may a refusal of mediation be used against the party refusing it.
- e) If the parties agree to the mediation process and an agreement is reached to the satisfaction of those concerned, the terms the agreement are consigned in a document signed by both parties and filed with Human Resources Services.
- f) The mediator notifies Human Resources Services of the outcome of the mediation, and ensures implementation of support and/or corrective measures agreed to in the agreement.
- g) However, the mediator may decide that an investigation might be necessary or preferable not to proceed any further when:
  - the complainant requests it;
  - either party refuses to participate in the mediation process;
  - there is no agreement between the concerned parties in the event the mediation process has already begun;
  - the agreement signed by both parties is not honoured.
- h) If applicable, the mediator notifies Human Resources Services.

## 2.5 Formal resolution process (investigation)

- a) Any member of the University community who believes to be a victim of harassment or discrimination may file a formal written complaint without having to resort to the informal process or to mediation beforehand. No action may be undertaken without a written signed complaint.
- b) Any person involved in the formal process, including witnesses, can request support from a staff member, his supervisor, union representative, or other.
- c) This action may be undertaken with Human Resources Services. If the person against whom the complaint is being made is a Human Resources Services employee, the complaint is then filed with the Secretary General.
- d) Any formal complaint is inadmissible if it is filed more than twelve (12) months after the last of the incidents of harassment or discrimination subject to the complaint except in extraordinary circumstances justifying the delay.
- e) The formal harassment or discrimination complaint is filed in writing and must include:
  - a complete detailed description of the incident or incidents;
  - the date and time of the incident or incidents or an explanation if this information is not available;
  - the identity of the person or persons against whom the complaint is being made;
  - a list of persons who might have witnessed the alleged facts;
  - the measures taken until now to resolve the situation, if applicable;
  - the remedy or solution sought by the complainant;
  - the complainant's signature and the date.
- f) Human Resources Services assess the merit of the formal complaint and determine the process to select first, either:
  - reject the complaint if it does not meet the definition of harassment and/or discrimination or if it is made in bad faith, and close the file;

- forward the complaint to the person against whom it is being made. Request a written reply within ten(10) business days. Upon receipt of the reply to the complaint, the Director transmits a copy to the complainant. If the person against whom the complaint is being made does not respond, the Director notifies the complainant;
- launch an investigation.

### **3. Review process**

- 3.1 The complainant may request a review of the assessment made by Human Resources Services only if the latter has determined that the complaint did not to meet the definition of harassment or discrimination.
- 3.2 If the complainant disagrees with the conclusion that the complaint does not meet the definition of harassment or discrimination, he can ask the Secretary General to review the assessment made by Human Resources Services. The complainant must then submit a written request for review within twenty (20) days following the assessment. The Secretary General's decision is without appeal and is conveyed in writing to the complainant and to the person against whom the complaint has been made.

### **4. Interim measures and special cases**

- 4.1 Pending the filing of a complaint or the conclusion of an investigation, if Human Resources Services or the Secretary General, if applicable, believe that measures should be taken to ensure the safety of individuals or respond to the interests of the University, they may impose interim measures after having consulted the Executive Committee.
- 4.2 If the circumstances warrant, interim measures may consist in separating the complainant and the person against whom the complaint has been made or ensuring that exchanges between them are discontinued or reduced to a minimum.
- 4.3 Example of a special case: the person subject of a complaint has a business relationship with the University – for example, a supplier of goods or services.
- a) Human Resources Services must be notified immediately.
  - b) Human Resources Services must notify the supplier of goods or services that an investigation will be carried out as well as the process undertaken in this regard.
  - c) If the investigation determines that the complaint is justified, the Executive Committee must take appropriate measures including removing the supplier from the University's list of suppliers.

### **5. Investigation**

- 5.1 When necessary, Human Resources Services appoint an investigator. The investigator may be in-house or external to the University community and assumes this role only during the investigation to which he has been appointed.
- 5.2 During the course of an investigation, the investigator's mandate is to:
- ensure that a summary of the complaint has been given to the person against whom the complaint is being made;
  - ensure that the parties involved are aware of the policy and the present directive;
  - meet with the complainant and the person against whom the complaint is being made as well as any other person who may have relevant information;
  - examine all documents deemed relevant to the complaint;
  - offer the parties an opportunity to resolve the complaint informally;
  - inform the parties of the availability of support services (e.g., Employee Assistance Program, police, emergency shelter);
  - inform the parties of their right to be accompanied by a support person, as specified in the present directive;

- inform the parties of the confidentiality of the process and that the University does not tolerate any form of reprisals;
- conduct research relating to the complaint of harassment or discrimination with due diligence;
- determine whether or not a situation of harassment or discrimination exists;
- write a report.

5.3 The results of the investigation may lead to disciplinary measures in accordance with the relevant policies in force.

## 6. Decision

6.1 The determination and application of corrective and support measures are the responsibility of the University's Executive Committee.

6.2 The Executive Committee informs the complainant and the person against whom the complaint has been made the results of the investigation, in writing.

6.3 Substantiated Complaint: If the complaint is legitimate, the person found guilty of harassment or discrimination will be subject to any corrective measures deemed reasonable to the act committed and the harm to the complainant.

Corrective measures may include amongst others:

- for an employee: a warning, a request to produce a written apology, a suspension or a dismissal;
- for a student: a warning, a request to produce a written apology, a suspension, a cancellation of registration for the term or expulsion;
- for a third party: a warning, a request to produce a written apology, a report to the employer or the loss of access or privileges.

6.4 Unsubstantiated Complaint: If a person files a complaint in good faith which is later found to be unsubstantiated by the evidence gathered, the complaint is rejected and no sanctions will be imposed on the person against whom the complaint had been filed or the person who originated the complaint.

6.5 Bad Faith Complaint: when a complaint is found to be abusive, frivolous, made in bad faith or with intent to harm, the complainant is then subject to corrective measures (administrative or disciplinary) as described in article 6.3.

## 7. Confidentiality

7.1 Parties concerned in this directive are held to the strictest confidence. All information gathered in the course of carrying out their duties may be only communicated to the persons and entities directly involved in the case.

7.2 Regardless of the resolution process selected for dealing with a file, the complainant, the person against whom the complaint is made and witnesses interviewed must respect the confidential nature of the information.

7.3 Any disclosure of information is subject to "on a need to know" basis or to the level of risk a person may be exposed to harm under section 32.0.5 (3) of the Ontario *Occupational Health and Safety Act*.

7.4 Confidentiality does not mean anonymity. A complainant wishing to use the mediation process or the formal dispute resolution process must be willing to identify himself and the person against whom the complaint is being made has the right to know the allegations brought against him and the identity of the complainant.

## **8. Record keeping**

- 8.1 All documents pertaining to an investigation will be kept in a secure location separate from the personal file of the member of the University community, for a maximum period of seven (7) years. The record of any disciplinary measures taken under the policy and the present directive will be kept in the personal file of the member of the University community.
- 8.2 The University will maintain confidentiality of the information with respect to a complaint of workplace harassment or discrimination. However, the University cannot guarantee confidentiality in the following instances:
- in the case of criminal conduct;
  - when disclosure is necessary to the investigation, taking corrective measures or compliance with a law.

## **9. Reprisal**

Any form of reprisal against a member of the University community availing himself of this directive constitutes a violation of the policy and is subject to disciplinary measures.

## **10. Complaint to the Human Rights Tribunal of Ontario**

The present directive does not prevent a person from filing a complaint with the Human Rights Tribunal of Ontario within the deadlines prescribed in the *Ontario Human Rights Code*, nor does it deprive a person of the right to seek any other legal recourse available to him.

## **11. Review and implementation**

The institutional Committee Against Harassment and Discrimination is responsible for the annual review of this directive.